

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KENNETH MERRITT,

Plaintiff,

v.

WIPRO LIMITED,

Defendant.

No. 2:23-cv-02453-SHM-tmp

WIPRO LIMITED,

Defendant.

Defendant.

Defendant.

Defendant.

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE

Before the Court is the Report and Recommendation filed by Chief United States Magistrate Judge Tu M. Pham on June 10, 2025. (ECF No. 101.)

In the Report and Recommendation, the Magistrate Judge recommends that Defendant Wipro's Motion for Sanctions (ECF No. 88) be granted, and that Plaintiff's case be dismissed with prejudice as a sanction for repeated noncompliance with court orders. (See ECF No. 101.) The deadline for objections was June 24, 2025. 28 U.S.C. § 636; Fed. R. Civ. P. 72(b); LR 72.1(g)(2). (See ECF No. 101.)

No party has filed an objection to the Report and Recommendation before the Court. "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation." Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review, the Report and Recommendation of the Magistrate Judge (ECF No. 101) is **ADOPTED** in its entirety.

Although neither party has objected to the Report and Recommendation, Plaintiff has objected to two Orders filed by the Magistrate Judge before the Report and Recommendation. On June 11, 2025, Plaintiff filed objections to: (1) the May 2, 2025 Order Denying Plaintiff's Motion to Reassign Case and for Reconsideration of Summary Judgment (ECF No. 86); and (2) the June 10, 2025 Order Denying Plaintiff's Motion for Recusal (ECF No. 100). (See ECF Nos. 107-108.) Defendant has responded in opposition.¹ (ECF Nos. 112-13.) Plaintiff's objection (ECF No. 108) to the Order denying his reassignment motion is untimely and therefore **OVERRULED**. See Fed. R. Civ. P. 72(a).

Plaintiff's objection to the Order denying his recusal motion is timely but unpersuasive. On the record before the Court, there is no basis on which Chief United States Magistrate Judge Tu M. Pham's "impartiality might reasonably be questioned." 28 U.S.C. § 455. Because Plaintiff's objection (ECF No. 107)

¹ Plaintiff has filed a series of unauthorized replies. (See ECF Nos. 115-117.) Plaintiff has been warned that Local Rule 7.2(c) requires leave of Court to file reply briefs, except on motions to dismiss or for summary judgment. (See ECF No. 86 at 3.) The Magistrate Judge has previously stricken an unauthorized reply brief from the record. (See id.) Plaintiff's unauthorized reply briefs (ECF Nos. 115-117) are stricken from the record.

fails to establish that the Magistrate Judge's Order is "clearly erroneous or is contrary to the law," it is **OVERRULED**. See Fed. R. Civ. P. 72(a).

On June 11, 2025, Plaintiff filed a motion to vacate the Magistrate Judge's January 23, 2025 Order Granting Defendant's Motion to Compel (ECF No. 55). (See ECF No. 110.) Defendant has responded in opposition. (See ECF No. 114.) Because the Court has adopted the Report and Recommendation recommending dismissal, Plaintiff's pending motion (ECF No. 110) is **DENIED AS MOOT**.

On clear-error review, the June 10, 2025 Report and Recommendation of the Magistrate Judge (ECF No. 101) is **ADOPTED** in its entirety. Defendant's Motion for Sanctions (ECF No. 88) is **GRANTED**. This action is **DISMISSED WITH PREJUDICE**.

SO ORDERED this 30th day of June, 2025.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE